## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1, 3-6, 8-14, 16-19, 38 and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable of Zelina et al ("Zelina", U.S. Patent Application Publication No. 2002/0129915) in view of Watling et al ("Watling", U.K. Patent Application No. GB 2354443). The Official Action contends that Zelina discloses each feature as recited in Claim 1 with the exception of a temperature sensor located outside the device and a relative humidity sensor for measuring the relative humidity outside of the device. To cure these deficiencies, the Official Action relies on the disclosure in Watling and concludes that it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Zelina based on Watling's disclosure.

The claimed subject matter pertains to a device for effecting sterilization of packages, during the production of the packages, utilizing a gaseous sterilizing agent kept in the gaseous phase throughout the sterilization process comprising. The sterilization device comprises, *inter alia*, an ambient temperature sensor located outside of the device for sensing the ambient temperature outside the device and a relative humidity sensor for measuring the relative humidity outside the device.

Zelina discloses a system of decontaminating containers where a constant flow of vaporized hydrogen peroxide is provided to sterilize the containers. The system includes a heating chamber 170 to heat the containers prior to entering a decontamination tunnel 11. Hydrogen peroxide is provided through a fill line 172 and withdrawn through an exhaust line 174 to decontaminate the containers. A monitor

153 can be in the form of a concentration sensor to measure the concentration of the vapor. A control system 150 regulates the introduction of hydrogen peroxide into the system based on conditions monitored in the decontamination tunnel. The Official Action correctly notes that Zelina does not disclose an ambient temperature sensor located outside of the device for sensing the ambient temperature outside the device and does not disclose a relative humidity sensor for measuring the relative humidity outside the device.

The Official Action looks to the disclosure of Watling to cure this deficiency. Watling describes an apparatus for sterilizing an enclosure 10. The apparatus includes a circuit 11 through which a sterilizing gas or gasses flow. The circuit includes two parallel branches 17, 18. A control apparatus determines which branch the gas flows through based in part on feedback from temperature and relative humidity sensor 14, which measure the temperature and humidity within the circuit. The Official Action takes the position that the sealed chamber 10 corresponds to the claimed device. Based on this interpretation, the Official Action takes the position that the temperature and humidity sensor 14 in Watling is located, and takes measurements, outside of the device.

Applicants do not agree. That the Official Action can choose to identify some portion of the apparatus described in the secondary reference as "the device" and then note that the temperature and humidity sensor 14 is outside "the device" is not the appropriate inquiry. Rather, the proper inquiry is what the secondary reference discloses to one of ordinary skill in the art. In this regard, what Watling actually discloses is a sealed chamber 10 forming part of an apparatus for sterilizing the sealed chamber 10. The temperature and humidity sensor 14 determines the

relative humidity of the gas exiting the sealed chamber 10. A person of ordinary skill in the art, aware of the disclosure in Watling, would not understand Watling's disclosure to be a directive that a device such as shown in Fig. 8 of Zelina should be modified to include an ambient temperature sensor located outside the Fig. 8 device for sensing the ambient temperature outside the device and a relative humidity sensor for measuring the relative humidity outside the Fig. 8 device.

Nevertheless, to provide more clarity on this point and set forth in different terms that which was previously claimed, Claim 1 is now worded to recite that the ambient temperature sensor and the relative humidity sensor sense the temperature and humidity respectively outside the device where the sterilizing agent does not flow. As discussed above, in Watling, the temperature and humidity sensor senses the temperature and humidity of the sterilizing gas, and thus, is not outside the device where the sterilizing agent does not flow, as now recited in Claim 1. Because Zelina and Watling fail to disclose, in combination with the other claimed features, an ambient temperature and humidity sensor sensing the temperature and humidity where the sterilizing gas does not flow, withdrawal of this rejection is respectfully requested.

Claims 2-19 and 36-43 ultimately depend from Claim 1, which is allowable for the reasons discussed above. For at least this reason, these dependent claims are also allowable.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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